

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JORGE FEIJOO,

Plaintiff

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

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NO. 4:21-cv-02444

**PLAINTIFF'S PROPOSED VOIR DIRE**

- 1) Does anyone have a Costco membership?
- 2) Do any of you or anyone you know work at Costco?
- 3) Have you or anyone you know ever worked at Costco?
- 4) Does anyone work for a company that does business with Costco?
- 5) Does anyone know or is anyone friends with any of the witnesses announced by the parties of this case?
- 6) Has any member of the jury or a family member or close friend ever been involved in a lawsuit?
  - A) If so, do you feel the outcome was fair?
  - B) Why or why not?
- 7) Have you ever sat as a juror before? If so, how many times and when? Please give details of each occasion such as whether it was a civil or criminal trial and what was the verdict.
- 8) At the conclusion of this trial, the judge is going to instruct you on the law as it pertains to this case and, under our system, you must follow the law in deciding this case:

A) Is there any member of the jury who feels that he or she cannot follow the law for any reason, even if he or she personally may disagree with it?

- 9) Have any of you ever held a supervisory or managerial position?
- 10) To those of you who ever held a supervisory position, has anybody ever made a complaint about you as a supervisor?
- 11) Do you or any family member have a hearing impairment?
- 12) Have you or someone you know ever been charged with discriminatory conduct in any court or government agency?
- 13) Are you, or have you recently been, an employee of any person or company that has been charged with discriminatory conduct in any court or government agency? Would anything about that experience affect your ability to be a fair and impartial juror in a case involving claims of disability discrimination?
- 14) Do you believe that you have ever been the victim of discrimination on the basis of disability. If so, please describe the circumstances.
- 15) Do you believe that you have ever been the victim of discrimination on the basis of age (being over 40 years old). If so, please describe the circumstances.
- 16) Did you file a complaint with any government agency or court about the discrimination? If so, what was the result? Would anything about that experience affect your ability to be a fair and impartial juror in a case involving claims of disability discrimination?
- 17) Have you ever been in a situation at work where you felt that you were being discriminated against?
- 18) Have you ever been punished for complaining about anything at work? How?
- 19) Have you, a close friend or relative, ever been charged with retaliatory conduct in any court or government agency? If so, when, where, what was the charge, and what was the outcome?
- 20) Are you, or have you recently been, an employee of any person or company that has been charged with retaliation conduct in any court or government

agency? Would anything about that experience affect your ability to be a fair and impartial juror in a case involving claims of retaliation?

- 21) Do you know anybody who has experienced any type of discrimination? If yes, please tell us about that situation.
- 22) Do you know anybody who has experienced any type of retaliation? If yes, please tell us about that situation
- 23) Do you personally know any attorneys or court personnel, what are their names and relationship to you?
- 24) Do any of you feel that persons should be awarded money for psychological pain?
- 25) Given the nature of this case, is there anything in the background and experience of any of you that would make it difficult for you to be fair and impartial?
- 26) I think you're going to hear some evidence that Mr. Feijoo was good at his job, but I think you're also going to hear evidence suggesting that he was not a perfect employee by any means. Does anyone think they might be less likely to enforce civil rights laws with respect to an employee who was not perfect?
- 27) Have you ever had to fire someone?
- 28) Do you think that someone suing for discrimination is just "disgruntled" because they were fired?
- 29) Do you think a company should consider how long an employee has worked with the company when deciding what kind of discipline should be taken if there is an incident?
- 30) As part of one of the laws in this case, you will be told that there can be more than one reason for a termination, but if you find that one of those reasons is disability discrimination or age discrimination, the termination could be unlawful. I have no doubt that you're going to try your best to set your feelings aside and follow the law. But even if you try your best, do you think

you still might have a hard time? What might interfere with your ability to enforce a law like that, even if you try your best?"

31) Has anyone ever been fired and you just knew it was wrong?

32) Has anyone ever lied on you at your job, what happened?

33) Have you ever requested a reasonable accommodation at work and felt like your requests were ignored?

34) We have the burden of proof in this case. The burden of proof is by a preponderance of the evidence. Preponderance of the evidence means, more likely than not, at least 51%. So, if we are able to show by at least 51% that Jorge Feijoo was wrongfully terminated, then we have met our burden then you must decide in our favor. Is there any among you who would hold us to a higher burden of proof?

35) If you were asked to make a decision about who was at fault for an accident where two people were involved in the accident and one person was available to speak with you and give their side of the story and the other was not, who would you determine was at fault?

36) Let's say two children got into a fight at school but no one saw the actual fight and there is no video. You are the principal and have to decide who gets expelled from school. Child A says Child B started it. Child B says Child A started it. Do you think it would be right to expel once child, and let the other child stay in school with no discipline.

Respectfully submitted,

/s/ Tracey D. Lewis

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2023, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Southern District of Texas, Houston Division, using the electronic case filing system of the court. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Tracey D. Lewis

Tracey D. Lewis